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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
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EXAMINER

AU, GARY

ART UNIT PAPER NUMBER

2617

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/955,173	<b>Applicant(s)</b> NUMATA ET AL.	
	<b>Examiner</b> Gary Au	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1 and 14-22 have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,758,259 (Lawler).

As to claim 1, Lawler teaches a program guide apparatus (electronic program guide, col. 6 lines 11-21) for displaying information about a broadcast program on a program guide display (video display set 18 – figure 1, col. 3 lines 32-37), comprising: a priority degree (viewer history correlation, col. 8 lines 56-62) calculating device for calculating priority degrees of programs (each user group, i.e. personal, household, national, and critics, has a different criterion count values, viewer history correlation is calculated by summing up all the criterion counts that applies to a program under each user group, col. 7 line 62 – col. 8 line 3, col. 8 line 63 – col. 9 line 19); and a display device for, on the basis of the calculated priority degrees of said programs, arranging and displaying program cells of the programs on a program guide display screen of a

Art Unit: 2617

predetermined time range (figure 3B shows a list of preferred program according to different user group, i.e. personal preference, household preference, etc., in a given period of time, the program with the highest viewer history correlation value is then chosen to be the preferred program for the user group, col. 4 lines 43-49, col. 9 lines 12-18), wherein the programs comprise a first program and a second program (figure 3B, col. 4 lines 43-49), wherein, when a first broadcast period of the first program partially coincides with a corresponding to the first program and displays a second program cell corresponding to the second program such that the first program cell and the second program cell only partially overlap in a time slot where the first broadcast period and the second broadcast period partially coincide (figure 3B, col. 4 lines 43-49, wherein the period is 1 hour long and 2 different programs are sharing a 1 hour time slot).

As to claim 2, Lawler teaches a program guide (electronic program guide, col. 6 lines 11-21) apparatus for displaying information about a broadcast program on a program guide display (video display set 18 – figure 1, col. 3 lines 32-37), comprising: a priority degree (viewer history correlation, col. 8 lines 56-62) calculating device for calculating priority degrees of programs (each user group, i.e. personal, household, national, and critics, has a different criterion count values, viewer history correlation is calculated by summing up all the criterion counts that applies to a program under each user group, col. 7 line 62 – col. 8 line 3, col. 8 line 63 – col. 9 line 19; and a display device for, in the order of the calculated priority degrees, arranging and displaying

Art Unit: 2617

program cells of the programs on a program guide display screen of a predetermined time range (figure 3B shows a list of preferred program according to different user group, i.e. personal preference, household preference, etc., in a given period of time, the program with the highest viewer history correlation value is then chosen to be the preferred program for the user group, col. 4 lines 43-49, col. 9 lines 12-18), wherein the programs comprise a first program and a second program (figure 3B, col. 4 lines 43-49), wherein, when a first broadcast period of the first program partially coincides with a corresponding to the first program and displays a second program cell corresponding to the second program such that the first program cell and the second program cell only partially overlap in a time slot where the first broadcast period and the second broadcast period partially coincide (figure 3B, col. 4 lines 43-49, wherein the period is 1 hour long and 2 different programs are sharing a 1 hour time slot).

As to claim 3, Lawler teaches that a display device displays visibly said programs that overlap one another in time (figure 3B shows a list of preferred program according to different user groups, i.e. personal preference, household preference, etc., the programs for each user groups are shown within the same time period).

As to claim 4, Lawler teaches that a list display device for displaying a list of programs which overlap a program cell selected by a user in time (figure 3B shows a list of preferred program according to different user groups, i.e. personal preference, household preference, etc., each program is shown in a 30 minutes or 1 hour cell).

As to claim 5, Lawler teaches that a display device displays a classification axis (user groups, figure 3B), which is provided in a different direction from a time axis in said program guide display screen, and by each classification in said classification axis, arranges and displays said program cells on the program guide display screen of the predetermined time range (figure 3B, time axis is shown as the first row and the user groups are shown as the first column).

As to claim 6, Lawler teaches that the priority degree calculating device calculates the priority degrees of said programs on the basis of a predetermined operation history (criterion count – table 2, col. 7 line 62 – col. 8 line 3) of a user (the viewer history correlation is calculated by adding up the appropriate criterion count for a program, col. 8 line 63 – col. 9 line 18).

As to claim 7, Lawler teaches that the priority degree calculating device calculates the priority degrees of said programs on the basis of a view history (the preferred programming is selected according to the viewing histories of individual, household, national, and critics, col. 9 lines 28-49).

As to claim 8, Lawler teaches that the display device determines the program cells (figure 3B, cells for personal, household, national and critics references) to be arranged and displayed on said program guide display screen on the basis of a relative

Art Unit: 2617

relation among the priority degrees of a plurality of programs (the highest viewer history correlation value program is picked and display on the appropriate cell – figure 3B, col. 8 line 63 – col. 9 line 18).

As to claim 9, Lawler teaches that the display device determines the program cells to be arranged and displayed on said program guide display screen on the basis of a relation with a reference priority degree provided in advance (the criterion counts are determined periodically by the central control node, col. 9 lines 20-26).

As to claim 10, Lawler teaches that the reference priority degree can be arbitrarily set (the criterion counts are determined periodically by the central control node, col. 9 lines 20-26).

As to claim 12, Lawler teaches that the classification is broadcasting medium of said programs (figure 3C, col. 5 lines 21-31).

As to claim 14, Lawler teaches a program guide method of displaying information about a broadcast program on a program guide display, comprising the processes of: calculating priority degrees of programs (each user group, i.e. personal, household, national, and critics, has a different criterion count values, viewer history correlation is calculated by summing up all the criterion count that applies to a program under each user group, col. 7 line 62 – col. 8 line 3, col. 8 line 63 – col. 9 line 19); and arranging

and displaying program cells of the programs on the program guide display screen (video display set 18 – figure 1, col. 3 lines 32-37) of a predetermined time range wherein the program whose priority degree is higher should be preferentially displayed (the program with the highest viewer history correlation value is chosen to be the preferred program for the user group, col. 7 line 62 – col. 8 line 3, col. 8 line 63 – col. 9 line 19), wherein the programs comprise a first program and a second program (figure 3B, col. 4 lines 43-49), wherein, when a first broadcast period of the first program partially coincides with a corresponding to the first program and displays a second program cell corresponding to the second program such that the first program cell and the second program cell only partially overlap in a time slot where the first broadcast period and the second broadcast period partially coincide (figure 3B, col. 4 lines 43-49, wherein the period is 1 hour long and 2 different programs are sharing a 1 hour time slot).

As to claim 18, Lawler teaches a program guide apparatus, comprising: a control circuit that determines a first priority of a first program and a second priority of a second program (interactive station controllers 20 – figure 1, col. 3 lines 39-52); and a display that displays, in a program guide, a first program cell corresponding to the first program and a second program cell corresponding to the second program based on the first priority and the second priority (figure 3B and 3C, col. 4 lines 43-57), wherein, when a first broadcast period of the first program partially coincides with a second broadcast period of the second program, the first program cell and the second program cell only



partially overlap in a time slot where the first broadcast period and the second broadcast period partially coincide (figure 3B, col. 4 lines 43-49, wherein the period is 1 hour long and 2 different programs are sharing a 1 hour time slot).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,758,259 (Lawler) as applied to claim 5 above, and further in view of US Patent No. 5,589,892 Knee et al. (Knee).

Considering claim 11, Lawler disclosed a system as mentioned above. Lawler does not teach that the classification is a genre of program.

In an analogous art, Knee teaches a listing by the genre of programs (figure 19, col. 19 lines 8-29). By listing the programs according to the genres, i.e. movies, sports, news, and children, the user can search the available contents and categorize the information by content for purposes of displaying it by genre.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Lawler's system to provide listing by genres of program, as taught by Knee, for the advantage of searching the available contents and categorizing the information by content for purpose of displaying it by genre.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,758,259 (Lawler) as applied to claim 5 above, and further in view of US Patent No. 6,704,028 (Wugofski).

Considering claim 13, Lawler has disclosed a system as mentioned above. Lawler does not teach that the classification is user of the program guide apparatus.

In an analogous art, Wugofski teaches a system that displays the list by users (69e – figure 5, col. 6 lines 24-43). The user can quickly select one of the priority programs from any one of the priority lists for the users.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention is made to modify Lawler's system to display the program lists by users, as taught in Wugoski, for the advantage of selecting one of the priority programs from any one of the priority lists for the users.

7. Claims 15-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,758,259 (Lawler) as applied to claims 1, 2 and 14 above, and further in view of US Patent 6,968,566 (Entwistle).

Considering claims 15, 16 and 17, Lawler has disclosed a system as mentioned above. Lawler does not teach the first program cell and the second program cell are separated with a slanted border line.

In an analogous art, Entwistle teaches the first program cell and the second program cell are separated with a slanted border line (figure 3 and 5, col. 4 lines 2-6).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Lawler's system to separate the first program cell and the second program cell with a slanted border line, as taught by Entwistle, for the advantage of illustrating displacement through use of the delay facility (col. 4 lines 2-6).

Considering claim 19, Lawler teaches a beginning time of the first program is earlier than a beginning time of the second program (figure 3B, col. 4 lines 43-49), wherein an ending time of the first program cell corresponds to an ending time of the first program (figure 3B, col. 4 lines 43-49), wherein a beginning time of the second program cell corresponds to a beginning time of the second program (figure 3B, col. 4 lines 43-49), wherein the display displays the ending time of the first program cell in the time slot where the first broadcast period and the second broadcast period partially coincide and displays the beginning time of the second program cell in the time slot (figure 3B, col. 4 lines 43-49). However, Lawler does not teach the beginning time of the second program is earlier than the ending time of the first program.

In an analogous art, Entwistle teaches the beginning time of the second program is earlier than the ending time of the first program (figure 3 and 5, col. 4 lines 2-6).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Lawler's system to include the beginning time of the second program is earlier than the ending time of the first program, as taught by

Entwistle, for the advantage of illustrating displacement through use of the delay facility (col. 4 lines 2-6).

Considering claim 20, 21 and 22, see the rejection on claim 15 above.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-4pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA

  
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